

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BARRY DWAYNE MINNFEE,	)	
	)	Case No. C07-399-JCC
Plaintiffs,	)	
	)	
v.	)	
	)	ORDER OF DISMISSAL
ASSOCIATE ATTORNEY GENERAL, et al.,	)	
	)	
Defendants.	)	
_____	)	

The Court has reviewed plaintiff's proposed 42 U.S.C. § 1983 complaint, together with all materials in support of and in opposition to those documents, the Report and Recommendation of United States Magistrate Judge James P. Donohue, and the balance of the record.

The Court finds Plaintiff's Objections to the Report and Recommendation (Dkt. No. 5) unpersuasive. Insofar as the Court is able to discern, Plaintiff requests that the Court transfer the action to a different venue pursuant to 28 U.S.C. § 1406(a), instead of dismissing the action outright. While the Court has the authority to transfer the action instead of dismissing it, the Court finds that a transfer is not in the interests of justice. Plaintiff's Objections shed no light on the considerations that led Magistrate Judge Donohue to recommend against transfer: namely, that plaintiff has not adequately alleged any viable cause of action under 42 U.S.C. § 1983, it is not clear which district would be the proper district to receive the transfer, and transferring the action might allow plaintiff to circumvent filing requirements imposed on him by other federal district courts. (Dkt. No. 3 at 2.)

01 Accordingly, the Court does hereby find and ORDER:

02 (1) The Court adopts the Report and Recommendation.

03 (2) Plaintiff's complaint (Dkt. No. 1) is DISMISSED without prejudice to its filing  
04 in an appropriate venue.

05 (3) The Clerk is directed to send copies of this Order to the parties and to Judge  
06 Donohue.

07 DATED this 1st day of May, 2007.

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12 John C. Coughenour  
13 United States District Judge  
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